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June 9, 2014

Honorable Judge Richard M. Berman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 12D
New York, NY 10007

Re: *Rio Tinto v. Vale et al*, Civil Action No. 14-cv-3042 (RMB) (S.D.N.Y.)

Dear Judge Berman:

We are counsel to Plaintiff Rio Tinto plc ("Rio Tinto"). In advance of the initial pre-trial conference scheduled for later this morning, we write to follow up on our June 3, 2014 letter to update the Court on the status of Rio Tinto's efforts to effect service upon the defendants in this matter.

As explained in our previous letter (Dkt. No. 13), Defendant Vale S.A. signed a waiver of service and Mahmoud Thiam has been served. *See* Dkt. Nos. 8 and 12. In addition, since our last letter, service has been effected upon the following defendants:

- **Beny Steinmetz and BSG Resources Limited:** On June 6, 2014, Defendants Beny Steinmetz and BSG Resources Limited, through their counsel at Mischon de Reya, agreed to execute waivers of service pursuant to Federal Rule of Civil Procedure 4(d)(3). Both waivers of service were executed and filed on June 9, 2014.
- **Michael Noy:** To the best of our knowledge, Defendant Noy resides in France. France is a signatory to the Hague Convention and permits international service via postal channels. Accordingly, on June 2, 2014, Rio Tinto sent the requisite documentation to Michael Noy via the United States Postal Service and Federal Express. We received confirmation that these packages were delivered to Mr.

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Noy's home in France, and filed an affidavit of service on June 6, 2014. *See* Dkt. No. 19.

Rio Tinto will be prepared to advise the court of any additional developments on the topic of service at the initial pre-trial conference scheduled for this morning.

Respectfully submitted,

/s/ William A. Burck
William A. Burck